CORRESPONDENCE.

Convention HAIR, June 16th, 1866. Judge R. P. Buxron:

Dear Sir—The undersigned respectfully request, for publication, a copy of your speech, on the Constitutional Amendment abolishing imprisonment for debt.

Perportfully Respectfully,

J. H. FOY, A. R. McDONALD, H. A. HODGE, WM. H. HARRISON, G. W. LOGAN, ALEX. McIVOR, T. N. ALEXANDER.

RALEIGH, June 16th, 1866. Gentlemen: - Yours of the present instant received, and the request therein contained is cheerfully complied with, Yours respectfully

RALPH P. BUXTON. To Messrs. For, McDonald, Hodge, Har-RISON, LOGAN, MCIVER and ALEXANDER.

IMPRISONMENT FOR DEBT.

SPEECH OF HON. RALPH P. BUXTON, OF CUMBERLAND,

Delivered in the Concention of North-Carolina on the 12th of June, 1866, upon an Amendment to the State Constitution, Sec. 39, proposed by him in these words:

"NO PERSON SHALL EVER BE IMPRISONED FOR DEBT."

Judge Buxton said: MR. PRESIDENT :- The proposed amendment in my humble opinion, announces in brief terms, a sound principle which from its great practical importance, and humane character, I carnestly hope may be incorporated in the organic law of the State.

There is no subject, which every where and in all ages has more occupied the attention of law makers, than the question of the proper adjustment of the conflicting claims of creditor and debtor. In times anterior to the Christian era the creditor had full swayhe held in his hands the power of life and death, and as the insolvent debtor was regarded by him as a criminal of the deepest die, life was taken in expiation, and the lifeless body denied a sepulchre. Time ameliorated in some degree the wretched condition of the debtor-I still refer to the Heathen age. Life was spared, but the unrelenting creditor was allowed to sell into slavery no only the debtor, but also his wife and children. The benign influence of Christianity abolished these atrocities: but still, severities, amounting to cruelty, were practiced upon debtors; they were regarded as culprits, treated as such, and pined in prison until the genius of British Liberty opened the prison doors and bid them go free. Thus the principle contained in this Ordinance is of English origin and is borrowed from the ancient English Constitution. By that great unwritten charter of English rights, the right of personal liberty was guaranteed to every subject, as a right superior to every mere private claim, and not to be forfeited except upon commission of a criminal offence. It was not considered consonant with the spirit of the Constitution that a freeman should forfeit his freedom on account of a mere pecuniary claim held against him by a sub-ject. In addition to his private right to personal liberty, it was considered that the public had an interest in his enlargement superior to every mere private claim-that the sovereign had a direct and paramount title to the services of every subject, whether those services were to be rendered in the camp, or in the workshop, or in the field; in prison he could render none.

ered to enjoy his theoretical immunity from arrest. Creditors always were an enterprizing class-prompted by interest, to say nothing of viadictive feeling, they were unin their efforts to regain their lost ascendency. Their efforts, aided by the astuteness of counsel and by the connivance of the Courts were at last successful; and they succeeded in baffling, not changing this humane provision of the Constitution. Thus in spite of advanced civilzation, in opposition to the benign spirit of Chiistianity, and in the very teeth of a direct provision of the English Constitution, the English debtor once more found himself looking through the grating of a prison. How this astonishing and untoward result was effected is familiar to the legal fraternity-a brief explanation of the modus operandi may not be

But, sir, the poor debtor was not long suff-

uninteresting to the uninitiated. Previously to any statutory enactment on the subject, the only mode authorized in the Courts of Common Law for compelling appearance, or satisfaction of judgment in an action of debt was by distringas—a process directed against the property, not the person of the debtor; under which process, by successive distrainings, appearance was com-pelled, and the debt satisfied, or the property exhausted; when either of these latter results was attained, it was considered that the end of the law was reached and that the plaintiff should rest content. In an action, however, for an injury accompanied by force and therefore involving a breach of the peace, a different rule was acted on. In this case an arrest was allowed and the defendant held to answer. The distinction between the two cases was well defined, well understood and for a long time strictly observed by all the Courts. The Court of Common Pleas was the first to make innovation upon the constitutional rights of debtors. Proceeding on the old idea that the debtor was in some undefined way a criminal-and the mode of procedure perhaps suggested by that idea—this Court permitted the creditor to prefer a fictitiovs accusation against his debtor, in which he charged him with the commission of a known criminal offence, as for instance, with a forcible trespass; this charge entitled him, by the usage of the Court, to a capias for the arrest of the defendant; after the debtor was in safe custody upon this charge, an acetiam clause as it was called, was added to the complaint, and the Declaration alleged that the defendant not only had committed the forcible trespass; but also owed the plaintiff a sum of moneythe real gist of the action. On the trial, no evidence was offered as to the alleged trespass, but the debt was proved. Thus by a species of legal hocus pocus, the debtor was juggled out of his liberty by the Court of of Common Pleas.

The Court of King's Bench, originally of exclusive criminal jurisdiction, next infringed upon the rights of the poor debtor. Its process, being criminal, was directed against the person. When in course of time it became ambitious of extending its jurisdiction to civil causes, it too listened to a false suggestion of a breach of the peace committed by the defendant; and when by its Bill in fiddlesez it had authorized his arrest upon a false charge, it detained nim is custody to answer the real demand-a sum of money due the plantiff. Thus by usurpation and hicanery united, the debtor was imprisoned

by the Cour of King's Bench.

The Court of Exchequer, which originally concerned merely the King's revenue and before which the King's debtors were called to account, by summary process, also joined the conspiracy against private debtors; and not having the right to punish either feigned or real trespasses and breaches of the peace, adopted a different expedient. In its writ minus it allowed its suitor to sug-sithout the slightest foundation of est, without the bimself was a debtor to the ing-that the defendant owed him a sum of money, which he refused to pay, whereby he, the plaintiff, was less able to meet the king's demand, and that the royal revenue was likely to suffer diminution in consequence. This writ was directed against the person, and thus upon a false suggestion of pretended zeal for the king's interest, this court arrogated to itself the right to im-

of Scotland, gal purpose, went a bow-shot beyond the English courts, in giving scope to the imagination. They imagined that a man who didn't pay a debt was guilty of high treason, and forthwith ordered the arrest of the traitorous debtor, who was graciously allowed to compound the felony upon paying the debt. I am afraid, Sir, that if our courts in North-Carolina should arrive at the conclusion that every man who owed money here was guilty of treason, that they would not go so wide of the mark; so that if our system of imprisonment for debt is to be continued, it might be well to provide for purge the crime and the debt at the same

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Mr. President, I have reviewed the history of this question of imprisonment for debt, for the purpose of showing that the principle I advocate is no new-fangled notion of modern invention, no spurious offspring of a sickly sentimentality—but a sound, just, manly principle, which had its place in the constitution of our sturdy ancestors, but which was undermined and subverted to the cupidity of creditors aided by the chicanery. of the courts. This principle I desire to see restored to our Constitution, as a safe-guard to personal liberty, personal security and

Sir, I desire to see stricken from our Code all laws authorizing imprisonment for debt. We have such laws. This very section of our Constitution proposed to be amended. impliedly sanctions it, although inserted eemingly for the benefit of the creditor .-The words " shall not be continued in prison " evidently justify the putting of him there; and are an interpolation warranted neither by the letter nor spirit of the English Constitutions. So there is no need here to resort to the subtle refinements and false pretences of the English courts, to which I have referred. Our laws permit one citizen to cessity of alleging, as is often done, in the writ, that the defendant is to answer a trespass on the case to plaintiff's damage double he amount of the debt. I protest most earnestly against the further continuance of this system-it is wrong in principle, cruel n practice, and ought to be terminated,-We now have a convenient opportunity to apply the remedy-the adoption by this Convention of this amendment will cure the

The times are suggestive of the change. If there ever was a people who required tender reatment at each other's hands and at the nands of their representatives, that people is our own. For four long years they have endured the ravages of war and the hard yoke of military rule. Peace has come at last with elease from despotism, but they have emerged from the slavery of the ranks, to return with uined constitutions, with ruined fortunes, to ruined homes. We may not hope to repair all the mischief that has been done-the ruin has been wide-spread and has involved us all-but we can be kind, considerate and, above all, just. As legislators we cannot, any more than as individuals, take from one man to relieve another's wants, neither may we deny to any man, under any pretense, the assertion of his just rights. We may neither delay the creditor nor screen the debtor. We may and should be just to all. We may should guarantee to all their rights, whether of person or property. Among the rights of person is the right of personal libto all by an express clause of the Constitu-Let it not rest on the uncertain tenure of a creditor's will, but let it be held by the sure and indefeasible title of fundamental law. Due reparation for violated rights and cause less suffering, brought upon this generation, we may not hope to make-indemnity for the past is impossible-but we may and ought o give the poor and helpless some assurance for personal security for the future. Let not those who have lately writhed in the grasp of Conscript officers now be turned over to the tender mercies of constables; let not their crushed and mutilated forms be subjected to the peine forte et dure of a squeezing Ca.

Sir, the times are propitious for human liberty-a whole race has lately sprung from ondage-this Convention lent its ready aid and former masters have ratified the act. Let us make one more effort in the cause of human freedom, which shall this time enure to the benefit of both races, and let creditors rise to the occasion and relinquish an unjust domination over the persons of men. Reason, justice and humanity all teach that the property not the persons of men should be taken in satisfaction of debts. Property is the basis upon which credit is founded. Who ever gave credit looking to the jail as security? Who ever took credit, ple lging his person in payment? Imprisonment was inended for crime, not poverty, and it is wrong to misapply it. Let us reform this abuse, which has crept by stealth into the administration of justice. The time is favorable for the change-and it has not come too soon. The necessities of our people demand this enactment, and if it is right in itself they should have it now, for they will never need it more. They had it once, but were un justly deprived of it by fraud and subterfuge it existed in the unwritten Constitution o our forefathers, let us insert it in the writter Constitution of our own. In making thi restoration we shall do no man wrongshall deprive no man of right. We impair not the rights of property for any, but we es tablish for all the rights of person. In this guaranty all are alike interested. The creditor of one man is the debtor of another. The creditor of to-day is the debtor of to-morrow. Now, it restrains him from oppressing then, it will protect him from oppression. repeat, sir, I would do the creditor no wrong, he is as much entitled to the protection of the laws as is the debtor; it is just as wrong to interfere with his rights as with those of the debtor-but his rights, as creditor, are those of property. While I would say to him: "Take the property, it is what you bargained for, it is what you paid for, it is justly yours and it would be wrong to withhold it from you," I would at the same time say to him: "Lay not your hand rpon the say to him: person of your fellow man, it is sacred from ountry, his God, not to you."

your touch, it belongs to himself, his family, his This amendment will not wrong creditors. will mention how creditors are wronged by legislative action. They are wronged when the law-making power interferes with the enforcement of contracts fairly made, in which value has been received and the consideration is unjustly withheld; when Stay Laws are passed, keeping the creditor out of sions, or any two Justices of the Peace of the rights until his heart sickens with deferred hope and his family are reduced to any Judge of the Superior or Supreme Court, want; when property, justly his own, is secured from his reach under Homes end Bills prisoner under his hand (whereof ten days) and Exemption Acts-all these are expedients of legalized fraud, are ill-disguised forms of repudiation-repulsive, abhorrent repudiation-and I reprobate the whole of them. Sir, it seems to me that gentlemen who hesitate in giving this amendment their sup- such County Court, Justice or Judge togethport, lest they should impair the remedy of or with a list of the several writs, mesne prothe creditor, are needlessly alarmed. I beg cesses and executions with which he is charg-them to remember that justice is the only ed; which warrant every such sheriff or true and immutable basis of human rights. -

keeper shall obey. * * Now, Mr. President, I ask gentlemen of The rights of the creditor will be most secura when he is made to respect those of the he Convention to look at this motley group debtor: the mercifin shall obtain mercy. I presented to their view by this section of the verily believe that m uch of the dishonesty ct-persons arrested for debt, unable to imputed to debtors is occasioned by the le-galized tyranny of crea itors. And on the rive security to appear at trial; insolvent lebtors, anable to satisfy the judgment; con-icted bastardy defendants failing to comother hand it seems to me that gentlemen aly with the orders of application, and con-lemned crimicals of various hues—all on who advocate and vote for measures of more than doubtful propriety, for 1 he avowed pur-pose of interposing in the poor man's behalf, heir way to jail, and the debtor at the head should make no opposition to this amend-

the poor man's friend, should be the most ready to guarantee to him this right, espe-cially when it can be done without a sacri-fice of principle, and without impairing any man's just claims. I am no agrarian in my views-I belong to the conservative school but I do say that if I were a seeker after popular favor, (which I am not,) I know of no measure in the advocacy of which I would sooner risk my hopes of political success, than of that I am now urging. It is practical, it is seasonable, and above all, it is right. England is returninge to her ancient practice and principle as regards this question the administration of the amnesty oath and for which, in an evil hour, and to the detrithe administration of the almost was and thus ment of her people, she suffered a departure, insolvent debtor's oath together, and thus ment of her people, she suffered a departure. Since the introduction of this amendment a paragraph in the public prints has arrested my attention, which I beg leave to bring to the notice of the Convention. It is as fol-

ases where the prisoner is co

fine and costs, or in cases of bastardy as

of the Court, by which he was committed

unless the Court, in its discretion may allow

him to take the oath of insolvency and be

discharged without notice to the Clerk."-

In the case of the debtor, the Court has no discretion as to dispensing with the required

notice, and so he must stay in close custody until the twenty days is expired before he is

allowed to come forward to take the oath of

at last, for that purpose, he may be then met by the the creditor with a suggestion of

audulent conceament, and by continuances

nd appeals, both of which are provided for

y the ct, athe case may be protracted and

he imprisonment prolonged until the de-

of duress. Such extreme cases are not com-

non, but they do occur-and that they can

occur under the sanction of our laws is a re-

roach to our system of administration of

ustice. While this clause remained in our

Constitution authorizing imprisonment for

lebt, perhaps this insolvent debtor's act

was the best that an able commission to re-

vise the laws with the ablest lawyer of North-

Carolina at its head could devise on the sub-

the evil, it is too deep-rooted. The remedy

must be applied here, not in the Legislature;

now is the time, this is the place, and there is the amendment which will effect a cure.

Doubtless creditors are often defrauded

and certainly fraud, when it is discovered

ught to be punished—but it should be pros-

cuted just like other offenses against the

riminal code, and punished after it is

proved, and not before. And, sir, is there

o fraud on the other side-and does not

ncourage it? It is a common and notorious

ractice, where a debtor is in failing circum-

stances, to have him arrested with a bail

in the hope that he will do so, and thus sub-

ect his bail, or that in some other way a snap

udgment may be obtained against the

security. Whoever is familiar with legal

proceedings knows that perjury is commit-ted as well as oppression practiced under the Ca. Sa. law. Printed affidavits of fradu-

lent concealment are carried about in con-

stables' hats and are sworn to as readily and

as much a matter of course, as a statement of

the money-or if he is hopelessly insolvent,

with the deliberate purpose, that the misera-ble condition of himself and his family may

excite the commiseration of his friends and

It may be said, if the condition of the

debtor is thus hard, let no man be a debtor,

abolish the credit system. It is impossible.

So long as human society exists, so long as

men have dealings with men, so long must

they be dependent upon each other and come

commerce, manufactures, the most ordinary

business transactions cannot be successfully

prosecuted without trust and confidence, and

trust and confidence are credit. And so long

as men are the creatures of circumstance

liable to accident-subject to human infir-

mity, losses will happen and human vicissi-

tudes occur. The very ownership of property

may entail respons bilities which will survive

its loss. Look at the institution of slavery-

it is gone; but how many liabilities, grow-

Look at our Banks-they are broken; and

the stockholder lately so envied for the pro-

lost his stock, but must answer for double its

value to the bank creditor. Riches do in-

There are a thousand ways in which men

may be reduced to honest poverty without

perceptible fault or agency of their own-

and shall their fe low men, by cruel laws,

add still greater bitterness to its already too

bitter cup? How many of our fellow citi-

zens, who did their utmost to prevent the

late cruel war: who wrestled with God and

man to avert the impending doom, were drag-

ged into the vortex, and lost their all—all save life and honor. Shall nothing be saved

from the destroyer? Shall the character of

these men, under the sanction of our laws, be

aspersed with imputations of fraud by some

Sa. ? Yet such undoubtedly will be the case.

In conclusion, Mr. President, I ask gentle-

of the fact that a large class of improvident

itigants will then be brought into our Courts,

who never appeared there before. I refer to

the freedmen. Let the Ca. Sa. law be appli-

ed to these necessitous people-and allow

them to use it in turn; and our county reve-

Mr. President, I have done. I have en-

deavored to show that justice, humanity,

reason and expediency alike require, that we

should abolish the barbarous law of impri-

REMARKS OF MR. KING,

OF LENOIR,

On the proposed amendment, requiring two

shall be qualified to vote, &c.

ualification of voters.

years' previous taxes to be paid before a vote

MR. PRESIDENT: I trust, Sir, that the

proposed amendment will not be adopted.

What, Mr. President, would be the effect of

this amendment to the Constitution? It

would be, Sir, to disfranchise and exclude

from the ballot-box many poor and disabled voters that have heretofore exercised the

privilege of voting. This amendment would

e impracticable, as well as unjust and in-

urious to a large portion of our people. Is t contemplated, Mr. President, by the sup-

not exclude from voting on that account.

Let the revenue laws be executed, and let all

who are able to pay be required to do so; but do not exclude from voting on account

of the failure to pay taxes; this would ex-clude the poor and insolvent voter, as well

WHAT MR, TOOMBS SAYS .- A lady, for

s those that were able to pay.

sonment for debt.

nues will be absorbed by prison charges.

unless this amendment is adopted.

ruthless and unprincipled creditor, and their

luctiveness of his investment, has not

out of it, has it left behind to be settled

induce them to pay it for him.

the debt itself, and the defendant clapped in

ect. Mere ordinary legislation cannot reach

When he does present himself

" Imprisonment for Debt in England .- The Bankruptcy bill now pending in the English Parliament provides for the abolition of the barbarous law of imprisonment for debt, that now disgraces the statute books of England. This change is dictated both by humanity and common sense. Though not in Parliament, Charles Dickens may be said to be the father of this humanitarian measure, his writings having attracted public attention to the barbarity of the present law, and made it odious." Two of our sister States, Wisconsin and

Texas, have incorporated this identical provision in their Constitutions. I have copied it verbatim from that of Texas. The principle it announces is no stranger to the laws of North-Carolina; it has already been applied to half of our population. I refer to the female portion. Ever since the year 1823 there has existed an enactment in these words. "No female shall be arrested or imprisoned for debt." It may still be found in our Revised Code. Let us now do justice to the male portion of our population, also, by making this principle of universal application .imprison another for debt, without the ne- Has the law worked badly as far as famales are concerned? Who would desire to see it changed as to them? Have fraud and swindling, the alleged consequences, of exemption from liability to imprisonment for debt, attended their exemption ? Yet single women get credit, just like men, in proportion to their character and means; they buy and sell, carry on trades, and incur debts, and no body trusts them the less, because they cannot be put in jail for debt.

Sir, this old idea of the right of imprison ment for debt being necessary for the creditor's security is all a mistake. Let him do, like other people are required to do-use circumspection is his business, take care with whom he deals, and thus secure himself; and not call on the law to practise a cruelty in order to remedy his want of care. Do not men have business dealings every day with corporations, and yet neither Capias nor Ca. Sa., can issue against them? Is it not the same case with Executors and Administrators? Who would be the representative of a deceased person, if he were subject to arrest

for every claim brought against the estate? But, sir, I have heard it objected that the change proposed is a radical one, and that existing legislation is not adapted to it. Let then the legislation be changed so as to conform to it. If the principle is a just one, the laws can readily be adjusted to fit it; other States have found no difficulty in doing so. The very purpose in having a General Assembly is to frame laws, in accordance with the requirements of the Constitution, and erty. Let that be stipulated for and secured adapted to the wants of the people. The argument "too much trouble" is sometimes a tion. To many of our unfortunate citizens it | very selfish one, and one which a representais their sole possession, their sole dependence | tive, when the interests of his constituents of support for themseives and their families. are concerned, should never use. For the protection of personal liberty, we insert in the Constitution a just provision, let the Legislature adapt the laws accordingly.

> Nor, sir, is it any argument to urge in opposition to this measure, that the condition of the debtor is already much improved over what it was in former times: that the imprisoned debtor should solace his lonely hours with this reflection, and not seek restoration to liberty, that is, to light and air and health and home all that makes life happy. Until it shall be clearly established, as I contend t never has been and never can be, that a numan being should forfeit all these blessings, as a penalty for insolvency-imprisonment for such a cause is inhuman-and all mere legislative efforts to improve the imprisoned condition of the debtor, short of his absolute release from imprisonment, are a tacit acknowledgment of the weakness of the right to imprison him, and are arguments in favor of the adoption of this amendment. Heretics, or those so called, were once burned at the stake: religious persecution afterwards assumed a milder form-but that was deemed no sufficient reason why an express clause should not be inserted in the Consti tution, guaranteeing freedom of conscience and religious worship. Insolvent debtors were once put to death; afterwards sold into slavery; they are now imprisoned. Whether this species of persecution shall be continued among us depends on the action of this Convention. Adopt this amendment

his barbarous system, that the debtor is not mprisoned for debt, but for fraud-fraud in he contracting or fraud in concealment.infortunately for the argument, and still nore unfortunately for the honest insolvent, he theory does not accord with the facts, as an be readily shown by a reference to our aws and to the practice of our Courts. It s every day's experience, or was when the ivil courts were in full operation, for debtors to be arrested and committed simply for want of bail; the very first sentence of the irst section of the boasted act for the relief of honest insolvent debtors, (Revised Codech. 59) authorizes the confinement of debtors in jail, where there is not the slightest sugges tion of fraud, but mere inability to give se curity-and what is worse, this confinement is to continue for twenty days before the courts, justices, or judges are allowed to consider a petition for his release. If ever there was a relic of barbarism handed down and preserved, here it is embodied in the legisla-

It is sometimes urged by the advocates of

and it is abolished for ever.

tion of North-Carolina. Rev. Code ch. 59, 31-enacts as follows: If any person shall be taken or charged on mesne process for any debt, or shall be taken or charged on execution for any debt or damages rendered in action whatever, or shall be committed for failing to give bond for the maintenance of any bastard child charged upon him, or for failing to pay any sum of money ordered to be paid by him for its maintenance; or shall be committed for the fine and costs of any criminal prosecution and shall have remained in prison for twenty days, the Court of Pleas and Quarter Sesnotice shall be given to the person, his executors, administrators, attorney or agent, at whose suit such prisoner shall be imprisoned) shall, by warrant, require the Sheriff or keeper of the prisoner to bring him before ed; which warrant every such sheriff or

oute to Europe, has recently written an intersting letter to a female friend in this city letailing an ecount of an interview she had at Havanah with Robert Toombs, ex-United States Senator from Georgia. Mr. Toombs still avews his intention of yet calling the roll of his former slaves at the foot of Bunker Hill, and defiantly a serts that the invinci-ble giant of secession is not dead, but only taking a quiet snooze in order to invigorate himself for another and, as Mr. Toombs - Washington Republican.

LUIT-AFFERD PRINTER

THURSDAY, . - JUNE 21, 1866 The President's Policy.

The representatives of the States should be LOYAL MEN, willing to abide by and be DEVOTED TO THE UNION AND THE CONSTITU-TION OF THE STATES.

ALL responsible positions and places ought to be confined distinctly and clearly to men who are UNMISTAKABLY AND UNQUESTIONA-BLY LOYAL .- President's Reply to the Virginia

I hold it my duty to recommend the admission of every State to its share in public legislation when it presents itself in the persons of representatives whose LOYALTY CAN-NOT BE QUESTIONED under any existing conendant's constitution gives way and he dies stitutional or LEGAL TEST .- President's Veto

The Constitution declares that no State shall be deprived of its equal suffrage in the Senate of the United States without its consent. Then, where do we stand? All that is needed to finish this great work of restoration is for the two Houses respectively to determine the question. Oh! but some one will say, "A traitor might come in!" The answer to that is that each House must be the judge, and if a traitor presents himself, cannot either House know that he is a traitor? And if he is a traitor, can they not kick him out of the door, and send him back, saying to the people who sent him, "You MUST SEND US A LOYAL MAN ?" Is there any difficulty in that? If a traitor presents himself to either House, cannot that House say to this system of imprisoning debtors tend to him, "No, you cannot be admitted into this body. Go back. We will not deny your people the right of representation, but THEY warrant, not for fear he will run away, but

MUST SEND A LOYAL REPRESENTATIVE."-President's Address to the Soldiers and Sailors. I will put an end to the Freedmen's Bureau just as soon as the South, by proper action for the PROTECTION OF THE FREED-MEN, make it unnecessary .- President's Interview with Governor Cox.

The Sentinel assails Mr. Bryan, of Wilkes, as a "radical," because he offered and afterwards withdrew an amendment to the Constitution, requiring that State Senators herejail, as a short-hand method of extracting after to be elected shall always have been loyal to the United States' government. That paper is both surprised and indignant at Mr. Bryan. If Mr. Bryan be a "radical," then is President Johnson also a "radical," for he has declared, time and again, that if there be but five thousand loyal men in a State to them should be confided the control of affairs. And if the Editors of the Sentinel will take the trouble to go to Washington and ask under mutual obligations. As to trades, the President if he still holds this opinion, he will tell them in the most emphatic manner that he does. We speak " by the book."

One of the strongest proofs of the disloyal feeling of the Sentinel and those for whom it speaks, is the surprise and indignation it evinces at the bare mention of loyalty as a prerequisite for office. Things have got to such a pass in this respect that the organ of Gov. Worth hoots at the idea of loyalty.

The Sentinel is very careful to inform its readers that Mr. Bryan served as a Captain in the federal army. The Sentinel considers this a badge of disgrace. If the State were deed take to themselves wings and fly away ! fully back in the Union under present auspices, and if such as the Sentinel had control of the Convention, it would not be long before Capt. Bryan would be expelled from that body for having served in the federal army. Capt. Bryan's offence is that he was not true to the Confederacy! And yet such as the Editors of the Sentinel and those for whom they speak, are to govern loyal men. Never! Our people will not submit to such degradation. Welcome the Howard amendmentwelcome any thing that will relieve our loyal people from the selfish and polluting grasp bodies subjected to the indignity of a Ca. of such politicians! If such men are to govern us, then the Union is a humbug and

loyalty an empty sound. Capt. Bryan, with his colleague Mr. Smith. men, when voting on this measure, to remember the destitute condition of our people, represents a noble Union constituency. They and to consider what extremites will be rehave both suffered in the Union cause. The sorted to for the purpose of enforcing the people of Wilkes have reason to be proud collection of debts, when the courts are again opened for civil business, and the machinery of the law put in motion. Our jails will be that they are represented in the Convention by such good and true men. filled with insolvents. I also warn gentlemen

The Petersburg Index, in an article introducing the recent speech of Mr. Harris, of Maryland, to its readers, uses the following language:

"We publish to-day, in as full form as it has yet reached us, the remarkable speech of Hon. Benj. J. Harris, member of Congress for the Fifth District of Maryland. That such a speech can be delivered in sight of the house where the organized murderers choked Mary Surratt to death, or as is now believed, hung her dead body, from which a merciful God had released her pure soul, is indeed a notable sign of the times, and that a Jacobin Speaker and Jacobin House sat dumb under this terrible impeachment is even more significant.

One of the participants in the ineffable infamy, which accompanied that poor lady's murder, lies in a suicide's grave, and a death fearful and degraded would as surely finish the rest of the gang, were it not that there are crimes too heinous for the penalties of

The above is a gross and libellous attack on the President of the United States, for he signed the death-warrant of Mrs. Surratt. Such language is doing more than every

porters of this proposition to exclude the poor and insolvent voters from the ballotthing else to increase the ill-feeling between the North and South. Just such as those box? Such would certainly be the practical effect of this amendment if adopted. I hope, who conduct the Index did all they could Sir, it will be rejected; let the Constitution to dissolve the Union and destroy the govremain as it now stands in relation to the ernment, and now they are doing all they can to prevent the restoration of the govern-It now, Mr. President, only requires a public tax to qualify a voter the first time ment. They are disunionists of the worst ne votes, but does not require any tax thereafter. It is certainly right for all to pay their taxes that are able to pay; but, Sir, do

The Knoxville Commercial remarks: "Manufactories are daily coming in this direction, and we are getting our share of them. Rolling mills, foundries, sash and blind factories, carriage and wagon makers, and many others of like importance, are in full operation here."

This is the result of a loyal, State government in Tennessee. Tennessee is in loyal erly a resident of New Orleans but now en hands, and capital and labor are pouring into the State, to develope her resources and to restore her to her former prosperity. A similar result would be realized in North-Carolina, if she could once be placed on the same loyal basis with Tennessee.

A writer in the New York Times says there were 820 graduates of West Point in the hopes, a more successful attempt to over-throw the Government of the Juited States, the South, and 138 graduates from the South

cial Agent P. O. Department, for ary Dexter, Arcadia, Davidson County.
rs. Naomi Smith, Fairview, Buncombe.
sephine C. Royster, Allensville, Person.
Ruther Miss L. D. Baggarstsff, Oak Spring, Rutherford. I. Bradshaw, Burnsville, Yancy. Jos. W. Bland, Harrell's Store, New Hanover. Wm. Zachary, Saxapahaw, Alamance. Jas. H. Leak, Wilson's Store, Stokes. Jno. R. Cloud, Columbus, Pols. E. R. Mosher, Mitchener's Store, Johnston. Miss M. J. Long, Pleasant Grove, Alamance. Alex. Jackson, Williamston, Martin. Miss S. J. Lee, Fair View, Davidson. Jno S. Gordon, South Creek, Beaufort. Jas. R. Scrogg, Liberty Hill, Iredell. Wm. Goucher, Bath, Beaufort. O. Hadley, Powelton, Richmond. Jno. W. Roberts, Clinton, Sampson.

E. F. Wyatt, Forestville, Wake. N. L. Shaw, Harrollsville, Hertford. C. F. McLaughlin, Miranda, Rowan. Jacob Reardon, McNeill's Ferry, Harnett. Miss S. A. Falls, White Plains, Cleaveland. John W. Terry, Bear Branch, Richmond. W. D. Carlton, Morrisville, Wake. F. Bryan, Cherry Lake, Ashe. B. Beaver, Pleasant Hill, Northampton.

R. F. McGuffins, Dobson, Surry. G. B. King, Amity Hill, Iredell. L. Hornaday, Saudy Grove, Chatham. Mrs. M. Green, Warrenton, Warren. M. A. Harrell, Gum Branch, Onslow, Mrs. D. R. Freeman, Logan's Store, Rutherfo Eliz. A. Poindexter, Red Plains, Yadkin. M. A. McMillan, Teachy's, Duplin. John G. Yancey, Turkey Cove, McDowell. Miss A. Shields, Wood Lawn, Gaston. John H. Bell, Jamesville, Martin, Wm. S. Reid, Westminster, Guilford. T. Bostic, Bostick's Mills, Richmond. John A. McMannen, South Lowell, Orange. J. M. M. Houston, Dry Pond, Lincoln. John C. Pritchett, Monticello, Guilford, Mrs. R. Mitchell, Woodsdale, Person Miss A. D. Upchurch, Green Level, Wake. R. A. Stuart, Carbonton, Chatham. Mrs. M. L. L. Smith, Bloomsburg, Halifax.

M. C. York, Elkin, Surry. Miss S. L. Robatau, Barclaysville, Harnett. Wm. Henry, Black River Chapel, New Hanove Miss F. N. Watson, Gibsonville, Guilford. John Carpenter, Leicester, Buncombe, T. M. Holt, Manson, Warren. John W. Harper, Nashville, Nash. A. B. Carson, Glade Creek, Ashe. James Campbell, Cerro Gordo, Columbus.

S. F. Terry, Reedsville, Rockingham.

S. T. Watkins, Ridgeway, Warren.

M. Coram, Richmond Hill, Yadkin. Wm. H. Blanchard, Warsaw, Duplin. J. W. Noell, Mt. Tirzah, Person. J. R. Manly, Dudley, Wayne. Mrs. J. L. Kirkpatrick, Harris' Depot, Cabarrus Mrs. E. L. Sherrill, Sherrill's Ford, Lincoln. Thos. Kellett, Faison's Depot, Duplin. E. R. Israel, Avery's Creek, Buncombe. Charles Ellis, Grove, Chatham. John Hancock, Flat River, Orange. Mrs. E. V. Bumpass, Centre Grove, Person.

J. T. Lamon, Kingsboro,' Edgecombe. M. Miller, South River, Rowan. J. S. Waldon, Haywood, Chatham. N. Howe, Gulf, Chatham. A. V. Dockery, Mangum, Richmond. W. J. Moore, Sparta, Edgecombe. Jas. McCormick, Marion, McDowell. N. J. Davis, Mooresboro, Cleaveland.

Lou H. Wells, Sandy Mush, Buncombe.

E. F. Jennings, Happy Home, Burke. T. Ragan, Gilmer's Store, Guilford. Mrs. Mary Winslow, Caraway, Randolph. M. S. Black, Madison, Rockingham. Mrs. C. C. Rogers, New Light, Wake. Proceedings of the Convention.

TUESDAY, June 20th, 1866. A resolution of Mr. Caldwell, of Burke imiting debate to five minutes to each speech and two speeches was adopted. The resolution to light the Capitol with as was adopted.

ADJOURNED SESSION.

An ordinance authorizing an exchange of State bonds for certain causes, with substiute from select committee, was put on its third reading. The hour for the special or- exclusion and disfranchisement. Why should AN ORDINANCE ESTABLISHING A CIRCULATING MEDIUM, .

It was taken up and read. Gen. Logan as chairman for the committee proceeded to demonstrate the necessity of iving to the people a circulating medium. He thought that if it could be done without lamaging the credit of the State, the exchange of State bonds issued prior to Jan. 1861, for circulating circificates would meet the exigencies of the case. The ordinance which he had the honor of reporting conemplated such exchange and issue; and be thought it sufficiently guarded as to secure

he provisions of the ordinance, and invoked the serious attention of the Convention to the subject: when Mr. Foy offered an ordinance as a substi-

public confidence in the circulating medium

roposed to be issued. Mr. Logan explained

Mr. Smith, of Johnston, offered an amend ment to Mr. Foy's ordinance, which if accepted he said it would secure his support, as fol ows: "Provided, That the provisions of this ordinance shall not apply to original seces sionists.

Mr. McDonald, of Chatham, suggested call of the House to find out who are original secessionists. Mr. Warren, thought the whole matter nconstitutional. The constitution of the U. S. provides that no State shall emit

bills of credit, &c., nor make any currency a legal tender except gold and silver. Therefore, he moved to lay the whole matter on the table.

The motion was withdrawn, and Mr. Caldwell, of Guilford, replied that he thought precedent sustained this ordinance, as the State had emitted shin plasters before and their constitutionality had never been denied; and that the stay law was far more inconstitutional than this ordinance Mr. Warren, renewed his motion to lay on

he table, and the yeas and nays were demanded, which resulted as follows: YEAS-Messrs, Allen, Baines, Baker, Bar-

row, Brickell, Brown, Clark, Conigland, Cowper, Dickey, Eaton, Faircloth, Faulkner, Gahagan, Gilliam, Grissom, Hodge, Howard, Jarvis, Joyner, King, Manly, McKoy of Sampson, McDonald of Chatham, McGehee, M. Ivor, Nat. McLean, McLaughlin, Norfleet, Pearsall, Perkins, Person, Phillips, Polk Pool, Richardson, Satterthwaite, Settle. Spencer of Montgomery, Stephenson, Stew-art, Thompson, Walkup, Ward, Warren, Wilians, Winburne and Winston-49. NATS-Messrs. Adams, Alexander, Bagley. Berry, Bingham, Boyden, Bryan, Burgin, By um, Caldwell, of Burke, Caldwell of Guilord, Dick, Ellis, Foy, Furches, Garland, Garrett, Godwin, Harris of Guilford, Harris of Rutherford, Harrison, Haynes, Henry, Jackson, Jones of Davidson, Jones of Henderson

son, Jones of Davidson, Jones of Henderson, Jones of Rowan, Lash, Lugan, Love of Jackson, Lyon, McCauley, McDodald of Moore, McRae, Moore of Chatham, Patterson, Rumley, Rush, Sloan, Smith of Anson, Smith of Johnston, Smith of Wilkes, Spencer of Hyde, Starbuck, and Swan—45.

Mr. McGehee, a resolution of enquiry in relation to the State finances. Adapted.

Mr. Settle moved that an ordinance in relation to railroads and Frances.

and or a freehold worth \$300 was a relic of the feu lal system. Its tendencies in monarchical governments were to con-servatism, because it supported the landed aristocracy, but in republican governments its tendencies were to radicalism. He said the late rebellion owed its origin to the property-holders, the poor people being opposed to it almost to a man. A man may have \$100,000 in bonds and yet not be entitled to a seat in the Commons. Another man may own \$40 worth of rocks or sand and hold a seat in the same House. Where is the check or balance said to be found here? But land must be screened and protected, and land alone. This looks like the days of the feudal system and the institution of the laws of primogenature, when land was the chief aim of life, does it not? There are other industries and interests equally as conservative as land and as deserving of protection. A man may be President of the United States without such a qualification, but he cannot be a Commoner in this State without it. What use of such a qualification therefore? He could not see it. Mr. Smith, of Wilkes, desired it to be

known that he also opposed such property

qualification,

Mr. Eaton favored the qualification. He denied that property-holders inaugurated the recent war, but held that insolvents did it. Mr. Grissom said in his opinion, there was likely to arise before this Convention no question, involving a more important prin-ciple or requiring a more calm and deliberate judgment than the one under consideration. It had been discussed with zeal and ability as appertaining to other official positions under the government, but its present pro-posed application was characterized by pecu-liar merit. It was a theory which had been most fully endorsed by the action of this Convention, that our government was a sys-tem of checks and balances, every interest equally entitled to representation and protection, and every class guarded in the en-joyment of political rights under the Constitution. In this way the weaker interests were protected against oppressions by the stronger, and the many were restrained from aggressions upon the few-the rights of property and the rights of persons, each guarded with jealous care, were harmonized in an equitable compromise. The strong arm of the one should not be lifted in conflict against the overwhelming numbers of the other. He hoped that the spirit of this great compromise, which was the harbinger of our domestic happiness, and the palladium of our liberty, would not be ignored in the most sacred instrument within our

power to shape, the Constitution of the We were perhaps legislating not for a day or for ourselves only, but for future ages and for posterity. A wrong thus hallowed and perpetuated is of extraordinary consequence. By the action of this Convention, the Constitution has surrounded the Executive Department and the Senate with property qualifications, and now in the name of justice and in accordance with the theory of our government is the popular branch of our General Assembly, to be the representative of the voice of the people in truth and reality, or in name and shadow, only? Reject this property qualification in the House of Commons, and you place the white citizens of North-Carolina upon equal footing, with equal privileges in the government, Adopt it and you disfranchise more than four-fifths of the tax-paying white men of the State Our friends in this hall, with commenda ble zeal, bave struggled successfully for a

basis of representation in the apportionment of members of the General Assembly, upon what they recognized as the true theory of free government. But let me tell them with due deference, that without striking this odious and oppressive restriction from our Constitution, they have caught the shadow and missed the substance.

You invest the Counties of a larger white opulation with the right of increased representation and at the same time disfranchise more than four-fifths of the citizens of these very Counties from participation in this right which you hold so sacred and so dear. To use an argumentum ad hominum, of what avail to four-fifths of your people is a right, if they are excluded from its exercise. What good reason has been or can be given for this of fifths of the citizens of North-Carolina, possessing a like proportion of the intel-ligence and the patriotism of the State, surrender to the remaining one-fifth the administration of the laws and the government,

with only the poor privileges reserved of elevating others to positions to which they themselves cannot aspire. Its folly is only parallelled by the striking example of venality in holy evils of "selling a birthright for a mess of pottage." What is free suffrage in elections to office. with wholesale restrictions in the exercise o its functions and the enjoyment of its privi-

upon the rim of the cup, and not the cool and refreshing draught beneath the foam.

Upon our action in this regard, depends the solution of the question whether the popular voice shall be represented at all in the administration of the government, or whether it shall be bushed in our counsels as

eretofore. The experience of the past should afford wisdom to guard against the evils of the fu-ture. The powerful influence of exclusive interests without sufficient power to counteract and control them may be traced in the pages of history through many long centuries of madness and folly. Their advocates and defenders have crected monuments of their mistaken policy so numerous and so glaring, that a thousand in repulsive form greet every look and every thought as the eye and the imagination survey the devasta-

ted fields of our once happy country! North Carolina's status to day, stripped of her wealth, her children and her political power, writhing in humiliation and weltering in blood, towers in this category as a melaneholy example !

Gentlemen seem reluctant to make this alteration because the old constitution contains it. In the proposed change we need not be ashamed of the illustrious example of the great and wise men who framed the Federal constitution. They required no property qualification of a President, members of Congress or any other officer.

An amendment was offered by Mr. Baker requiring a residence of tive years and taxable property of \$500. Lost.
On Mr. King's amendment the year and nays were demanded, and resulted as fol-

YEAS-Messrs. Alexander, Bagley, Baines Berry, Boyden, Brickell, Buxton, Caldwell of Burke, Caldwell of Guilford, Faircloth, Ferebee, Gilliam, Godwin, Harris of Guilford, Hodge, Joyner, King, Lash, Manly, McDonald of Moore, McGee, McIvor, N. A. McLean, Nat. McLean, Moore of Wake, Murphy, Patterson, Perkins, Phillips, Polk, Rush, Satterthwaite, Smith of Anson, Smith of Johnston, Spencer of Hyde, Spencer of Montgomery, Starbuck, Stephenson, Thomp-son, Walkup, Warren, Wilson, Winburne, Winston and Wright—50. NAYS-Messrs. Adams, Allen, Baker, Bar-

Son, Lyon, McCauley, McDodald of Moore, McRae, Moore of Chatham, Patterson, Rumley, Rush, Sloan, Smith of Anson, Smith of Johnston, Smith of Milkes, Spencer of Hyde, Starbuck, and Swan—45.

Mr. McGehee, a resolution of enquiry in relation to the State finances. Adapted.

Mr. Settle moved that an ordinance in relation to railroads and Express companies be made special order for to-morrow 94 o'clock.